

REMARKS

Claims 1 – 33 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 1 – 33 stand rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement. In particular, the Examiner has asserted that the recitation of an adjusted pedal being a pre-calibrated value that is determined based on a desired drive characteristic introduces new matter that is not supported by the original description as filed. This rejection is respectfully traversed.

At the outset, Applicant notes that the recitation of the adjusted pedal being a pre-calibrated value that is determined based on a desired drive characteristic is fully supported in the original description, as filed. More specifically, paragraph [0025] of the original description recites:

“The adjusted pedal is a manipulation between the position indicated by the actual pedal input position and the pedal input position needed to achieve the desired drive characteristic. The adjusted pedal is a calibrated value based on the acceleration characteristics of the particular vehicle and results in a comfortable drive feel as the vehicle accelerates.”

Accordingly, this feature is amply supported in the original specification and reasonably conveys to one skilled in the art, that the inventor had possession of the claimed invention at the time that the application was filed.

Applicant has, however, amended claims 1, 10, 18 and 26 to more clearly define the claimed invention. More specifically, claims 1, 10, 18 and 26 have each been

amended to provide that the adjusted pedal is a calibrated value based on a desired drive characteristic, which provides a comfortable drive feel as the vehicle accelerates. The amended language is fully supported in the original description (see paragraph [0025], cited above).

In view of the foregoing, reconsideration and withdrawal of the rejections are respectfully requested.

COMMENT ON THE PRIOR ART

As discussed in the previous responses, Murakami et al. (U.S. Pat. No. 6,052,644) fails to anticipate the invention of each of claims 1, 10, 18 and 26. More specifically, Murakami fails to teach or suggest determining an adjusted pedal based on a pedal device position signal and a vehicle speed and an engine torque request, wherein the adjusted pedal is a calibrated value based on a desired drive characteristic, which provides a comfortable drive feel as the vehicle accelerates.

Murakami discloses a system for limiting the vehicle speed of a vehicle based on a load of the vehicle and road conditions (Col. 4, Lines 14 – 21). A vehicle speed control device 10 includes a vehicle speed limit control means 11, a control gain change means 12 and an acceleration/deceleration/constant speed judging means 13 (Col. 13, Line 66 – Col. 14, Line 3). An accelerator pedal position is detected and is input into the vehicle speed limit control means 11, and a vehicle speed is detected and is input into both the vehicle speed limit control means 11 and the acceleration/deceleration/constant speed judging means 13 (Col. 14, Lines 3 – 10).

The vehicle speed limit control means 11 outputs either the accelerator pedal position or a corrected accelerator pedal position to an engine control device 40. More specifically, the vehicle speed limit control means 11 can determine the corrected accelerator pedal position based on a signal provided from the control gain changing means 12, which is based on a signal generated by the acceleration/deceleration/constant speed judging means 13 (Col. 14, Lines 48 – 58 and Figure 1). The engine control device 40 determines a fuel injection amount based on either the accelerator pedal position or the adjusted accelerator pedal position and a fuel injection timing based on an engine speed (Col. 14, Lines 59 – 64).

Murakami fails to teach or suggest either an adjusted pedal that is a calibrated value calibrated value based on a desired drive characteristic, which provides a comfortable drive feel as the vehicle accelerates or an engine torque request that is determined based on the adjusted pedal and the engine speed. More specifically, Murakami fails to disclose generating an engine torque request, because Murakami is directed toward a traditional engine control that correlates a fuel amount with the accelerator pedal position, as described above. Accordingly, Murakami does not concern a torque-based system, which correlates accelerator pedal position with desired engine torque, as does the claimed engine torque-based system of the present invention.

Further, because the system of Murakami does not provide an adjusted pedal that is a calibrated value based on calibrated value based on a desired drive characteristic, which provides a comfortable drive feel as the vehicle accelerates, Murakami implements additional means (i.e., the control gain change means 12 and the

acceleration/deceleration/constant speed judging means 13) in order to enable adjustment of the accelerator pedal position to account for changes in vehicle speed. Accordingly, the system of Murakami is more complex and processor intensive than that provided by the present invention.

In view of the above-described deficient teachings of Murakami, Applicant asserts that each of claims 1, 10, 18 and 26 define over Murakami. Accordingly, allowance of each of claims 1, 10, 18 and 26 is respectfully requested.

With regard to claims 2 – 9, 11 – 17, 19 – 25 and 27 – 33, each of which ultimately depends from one of claims 1, 10, 18 and 26, which define over the prior art, as discussed in detail above. Therefore, each of claims 2 – 9, 11 – 17, 19 – 25 and 27 – 33 also define over the prior art for at least the reasons discussed with respect to claims 1, 10, 18 and 26. Accordingly, allowance of each of claims 2 – 9, 11 – 17, 19 – 25 and 27 – 33 is also respectfully requested.

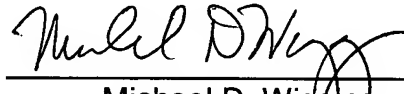
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: April 14, 2006

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